

## Garcia, Delia

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**From:** Garcia, Delia  
**Sent:** Monday, November 24, 2014 2:11 PM  
**To:** Burnett, Michael; Gonzales, Kristina  
**Subject:** FW: Info on Black Tea Oil + SPCC info

Delia Garcia, PhD  
Environmental Scientist  
WWPD/WENF  
US EPA Region 7  
11201 Renner Boulevard  
Lenexa, KS 66219  
Phone: (913) 551-7262 FAX: (913) 551-9262  
Email: [Garcia.Delia@epa.gov](mailto:Garcia.Delia@epa.gov)

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**From:** Daniels, Jason  
**Sent:** Thursday, September 11, 2014 2:06 PM  
**To:** Garcia, Delia  
**Cc:** Muehlberger, Christopher  
**Subject:** Info on Black Tea Oil + SPCC info

Here is some info I found on Black Tea Oil + SPCC info:

[www.kcc.state.ks.us/conservation/intents/K\\_060414\\_Krebs\\_G\\_3.pdf](http://www.kcc.state.ks.us/conservation/intents/K_060414_Krebs_G_3.pdf)

“District staff has inspected the location and has determined that an unsealed condition will present a pollution threat to water resources.”

Logan County

Noticed: Docket No. 14-CONS-831-CPEN: *In the matter of the failure of Black Tea Oil, LLC ("Operator") to comply with K.A.R. 82-3-600 and K.A.R. 82-3-603 at the Krebs lease in Logan County, Kansas.*

Commissioner Emler moved for approval of order #14-1599 - *Penalty Order- Black Tea Oil, LLC*. Commissioner Apple seconded the motion. Commissioner Albrecht concurred.

K.A.R. 82-3-600. Pit permits; penalty; application and approval.

K.A.R. 82-3-603. Spill notification and clean-up; penalty; lease maintenance.

SPCC

<http://www.epa.gov/R5Super/oil/spcc.html>

### **How do I determine if my facility could reasonably discharge oil into or upon navigable waters or adjoining shorelines?**

This determination is based upon a consideration of the geographical and locational aspects of the facility. The location of the facility must be considered in relation to streams, ponds and ditches (perennial or intermittent), storm or sanitary sewers, wetlands, mudflats, sandflats or farm tile drains. The distance to navigable waters, volume of material stored, worst case weather conditions, drainage patterns, land contours, soil conditions, etc.,

must also be taken into account. Further, according to the regulation, this determination shall **not** include consideration of man-made features such as dikes, equipment or other structures (like levees) that may serve to restrain, hinder, contain or prevent an oil discharge.

Thanks,  
Jason M. Daniels  
U.S. Environmental Protection Agency, Region 7  
Water, Wetlands, and Pesticides Division  
Watershed Support, Wetland and Stream Protection Section  
11201 Renner Boulevard  
Lenexa, KS 66219  
913-551-7443  
[daniels.jason@epa.gov](mailto:daniels.jason@epa.gov)  
<http://www.epa.gov/region7/water/wetlands-streams/index.htm>